

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES MANNING,

Plaintiff,

v.

STATE OF NEVADA, et. al.,

Defendants.

3:15-cv-00446-RCJ-WGC

**REPORT & RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

Plaintiff filed his complaint (ECF No. 1) and financial certificate (ECF No. 2) on August 28, 2015. The complaint was not accompanied by the filing fee or a completed application to proceed in forma pauperis. On October 14, 2015, the court instructed the Clerk to send Plaintiff a copy of the approved application to proceed in forma pauperis and accompanying instructions, and gave Plaintiff thirty days to file the completed application or pay the filing fee. (ECF No. 5.) He was cautioned that a failure to do so may result in dismissal of his case. (*Id.*)

As of today's date, Plaintiff has not paid the filing fee or filed a completed application to proceed in forma pauperis. Therefore, the court recommends that this action be **DISMISSED WITHOUT PREJUDICE**.

Plaintiff should be aware of the following:

1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

1 2. That this Report and Recommendation is not an appealable order and that any notice of
2 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
3 until entry of judgment by the district court.
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5 DATED: December 8, 2015.

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7 WILLIAM G. COBB
8 UNITED STATES MAGISTRATE JUDGE
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